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1 APPEARANCES:

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3 From FERC:

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1 APPEARANCES CONTINUED:

2

3 ATTENDING:

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5 Alyce Lowry, citizen

6 Tom L. Sawyer, citizen

7 Steve Felte, Tri-Dam Project

8 Dave Campodonico, U.S. Forest Service

9 Laura Conway, U.S. Forest Service

10 Steve Pierano, PG&E

11 Scott Fee, PG&E

12 Ross Jackson, PG&E

13 Tom Studley, PG&E

14 James Lynch, Devine Tarbell & Associates

15 John Buckley, Central Sierra Environmental Resource Center

16 Fred Burnett, Calaveras County Water District

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P R O C E E D I N G S

(6:40 p.m.)

MS. O'BRIEN: Okay. Welcome to the public meeting of the Draft Environmental Impact Statement for the Stanislaus River Projects, Spring Gap-Stanislaus, Beardsley/Donnells, Donnells-Curtis Transmission Line, and the Tulloch Lake Projects. My name is Susan O'Brien. I'm with the Federal Energy Regulatory Commission and I'm the Project Coordinator for this relicensing process.

Doug, do you want to introduce yourself?

MR. HJORTH: I'm Doug Hjorth. I work for The Louis Berger Group. We're contractors to the Commission. And I was responsible for overseeing the preparation of the DEIS.

MR. WAGNER: I'm Gordon Wagner. I'm also with FERC. I'm with the Office of General Counsel, Energy Projects.

MS. O'BRIEN: So our agenda for tonight is just to go over the purpose of why we're here, history of the process to date, sort of general FERC background on the basis for NEPA analysis and conclusions. And, more specifically, a brief summary of our findings and recommendations for these relicensings -- for this relicensing project -- process; and what's going to happen next in our schedule; and then we'll open it up to comments.

1 It's a pretty small group tonight and there are
2 just two people that have asked to speak, so okay.

3 Our purpose tonight is just to receive oral and
4 written comments on the Draft Environmental Impact Statement
5 from all interested parties, including agencies,
6 nongovernmental organizations, and interested individuals.

7 And comments can also be submitted in writing.
8 The deadline for comments is December 7th. And all comments
9 that we do receive, oral and writing -- oral and written
10 comments, will be put in the public record and will be
11 responded to at our Final Environmental Analysis Impact
12 Statement.

13 So to date, Tri-Dam filed their license
14 applications for the Beardsley/Donnells and the Tulloch Lake
15 Projects and PG&E filed their license applications for the
16 Spring Gap-Stanislaus and the Donnells-Curtis back in
17 December of 2002. Then in May of 2003 FERC issued our
18 Additional Information Request followed by our Scoping
19 Document, which identified the issues and alternatives for
20 further analysis. And we were also soliciting comments on
21 that.

22 And then in June of 2003 we conducted our site
23 visit and scoping meetings.

24 In August of 2003 Tri-Dam and PG&E provided their
25 responses to our May Additional Information Requests. And

1 I'm not sure for a couple of new people who are here
2 tonight, are familiar with the water quality certification
3 process. But the applicants, PG&E and Tri-Dam, both had to
4 file requests for water quality certification when they
5 filed their applications back in December 2002. And it's a
6 one-year time clock.

7 And the State Water Resource Control Board either
8 needs to issue a water quality cert. within that year or
9 deny it, or they can work with the licensee and ask them to
10 withdraw their request and refile it, which starts the clock
11 over. Just basically saying the Water Quality Board -- the
12 State Water Resource Control Board needs -- excuse me --
13 more time in order to issue their water quality cert., so
14 the applicant's withdrawing and refiling gives them that
15 extra time.

16 So the one-year clock started again back in
17 December of 2003. So it's about to expire.

18 And then in December of 2003 FERC issued the
19 Scoping Document 2 which addressed all the comments that
20 were made during the original scoping process in the summer
21 of 2003.

22 And then the beginning of January of this year we
23 issued our notice accepting the applications and requesting
24 interventions and soliciting the comments, terms and
25 conditions and recommendations, because it was also ready

1 for the environmental analysis notice.

2 And then in March of 2004 the SPLAT agreements on
3 the environmental measures for the Spring Gap-Stanislaus and
4 the Beardsley/Donnells Projects were filed. And then our
5 Draft EIS was issued in September, September 30th.

6 Shortly after we got our Draft EIS out we sent
7 letters to the Fish and Wildlife Service pursuant to the
8 Endangered Species Act for each project, basically asking
9 them to concur with our findings in our Draft EIS regarding
10 threatened and endangered species.

11 And for Spring Gap-Stanislaus, the
12 Donnells-Curtis Transmission Line, and for Tulloch Lake we
13 were asking them to concur with our "Not likely to adversely
14 affect the endangered species" call. But on
15 Beardsley/Donnells we initiated formal consultation under
16 the Endangered Species Act because there are Bald Eagles
17 nesting at the project. So it's a pretty standard process,
18 and we'll work with the Fish and Wildlife Service on that.

19 And here we are tonight holding the meeting on
20 the Draft EIS to get comments.

21 Now FERC in general for all projects going
22 through the relicensing proceeding are required under the
23 National Environmental Policy Act, which we refer to as
24 NEPA, they're required to conduct an independent analysis of
25 environmental issues. And FERC considers the environmental

1 and the recreational equally with the developmental and
2 energy resources on the project.

3 FERC also gives strong consideration to
4 environmental measures developed in a collaborative or a
5 settlement type setting -- collaborative settings are SPLAT
6 in this case -- as well as strong consideration given to the
7 terms and conditions and recommendations filed by resource
8 agencies.

9 And the conclusions and recommendations for the
10 Stanislaus Draft EIS is based on the public record for this
11 project.

12 We have three alternatives we consider in the
13 EIS. First is the proposed action. The alternative, which
14 is relicensing the project as the applicants propose. The
15 staff's alternative is this proposed action with additional
16 measures or modifications. And the no-action alternative
17 means to operate the project as it is now with no
18 modifications or enhancement mitigation measures.

19 So we've said everything is in the public record
20 and you can access that public record simply online by going
21 to www.ferc.gov. And at the top there is an eLibrary link
22 and everything can be found under -- in the eLibrary. You
23 go click on "Documents and Filings" and then selected the
24 "General Search."

25 The important thing to remember when using

1 eLibrary to search for information for any project is you
2 need to enter the project number where it says the "Docket
3 Number" and you need to use "P" dash before that project
4 number, so we've put it here. You can search under any of
5 the four projects using "P" dash and the four digits.

6 There is an 800 number on the website for
7 assistance or my business cards are also on the table and
8 you can call me for assistance as well. And I can try to
9 walk you through it.

10 I'm going to turn it over to Doug now who's just
11 going to give -- excuse me -- a brief overview of our
12 findings for each project.

13 MR. HJORTH: This will be real brief I think.
14 Let's see, for the Spring Gap-Stanislaus Project the details
15 of our recommendations are on pages 388 to 397 of the DEIS.
16 I would encourage you to use that listing. There is a
17 listing in the front of the document which is an abbreviated
18 listing, so some of the details are not spelled out in the
19 front.

20 So if you're looking at what our actual
21 recommended project is, go to the back of the document in
22 the "Comprehensive Development" section. It's likely to be
23 a little bit more informative than the listing in the front
24 of the document.

25 In general our recommendations for Spring

1 Gap-Stanislaus are consistent with the recommendations and
2 proposed measures in the SPLAT agreement. We had a couple
3 of modifications that we did not agree with. And the first
4 of which is the requirement to notify the Forest Service for
5 proposed actions not addressed in this EIS that would
6 require additional NEPA analysis. And our feeling was that
7 any such major earth-disturbing activities would require a
8 license amendment in order for us to reopen that license and
9 consider a license amendment.

10 In addition there were measures in the SPLAT
11 agreement pertaining to the relief operator cabin, which we
12 determined is nonjurisdictional because it is not within the
13 current FERC project boundary. Therefore, we've considered
14 that a matter between the Forest Service and PG&E.

15 And, in addition, we recommended that the
16 Huckleberry Trail to Relief Reservoir should be included in
17 the project boundary. And there was some discussion at the
18 afternoon meeting about what we meant by Huckleberry Trail.
19 And we meant from the northern boundary of the PG&E-owned
20 parcel of land to within the project boundary at Relief
21 Reservoir. And there's a portion of -- Huckleberry Trail
22 continues into the Emigrant Wilderness. And it was not our
23 intention to attempt to establish jurisdiction into the
24 Wilderness, but we're maintaining public access to project
25 lands and waters at Relief Reservoir, and that was our

1 intent with that measure.

2 At Beardsley/Donnells, again our recommendations
3 were generally consistent with those specified in the
4 Beardsley/Donnells SPLAT agreement. We, like Spring
5 Gap-Stanislaus, did not see the need to include as a license
6 condition notification of Forest Service if proposed actions
7 not addressed in our EIS required additional NEPA analysis.

8 We also thought it was important to establish
9 guidelines regarding -- in the proposed road-management plan
10 regarding guidelines as to when road -- Forest Service Road
11 5N02 should be opened. It's currently closed from about
12 November, weather conditions permitting, through typically
13 April. Those dates are a little bit flexible from what I
14 understand.

15 And the issue there is we want it coordinated and
16 guidelines to be established in the road-management plan
17 that will protect Bald Eagles that are currently known to be
18 nesting at Beardsley. And their breeding period extends
19 from February typically through possibly August, when they
20 fledge their young. So we want some consultation to occur
21 as to when and if those gates should be opened outside of
22 the traditional recreational season.

23 And, finally, we recommended that the access road
24 to the Beardsley day-use area should be included in the
25 project boundary. The SPLAT agreement calls for all the

1 recreational facilities at the Beardsley day-use area to be
2 included in the project boundary, which is an expansion of
3 the existing project boundary. We went a little bit further
4 in that regard and felt that the sole road to access those
5 facilities should also be included in the project boundary.

6 With the Donnellis-Curtis Transmission Line, again
7 our recommendations are generally consistent with those
8 proposed by PG&E in PG&E's license application. Again, we
9 did not feel that the need had been established to include
10 in the license a condition requiring notification of the
11 Forest Service if actions proposed were not addressed in
12 this EIS. And we also recommended that the visual quality
13 plan that was proposed should be included as a component of
14 a vegetation-management plan.

15 As far as we can ascertain, the primary element
16 of the visual quality plan pertained to vegetation
17 management, so we're trying to consolidate two very closely
18 related plans into one, and that was our objective there.

19 Our recommendations for the Tulloch Project,
20 again are generally consistent with those proposed by
21 Tri-Dam, the applicant. In addition to their measures we
22 recommended a comprehensive vegetation-management plan.
23 This plan would address primarily noxious weeds, both
24 aquatic and upland species that occur within the project
25 boundary or could be influenced by project operations, would

1 address other elements such as fire fuel management and
2 other aspects.

3 We also felt that a Valley Elderberry Longhorn
4 Beetle protection plan is needed. Basically there is a
5 limited amount of appropriate habitat for this species that
6 occurs around the perimeter of Tulloch Reservoir and we felt
7 that it's appropriate to ensure that habitat is protected.

8 Tri-Dam had proposed a Tulloch Reservoir
9 management group which would entail consultation -- or
10 working with Tuolumne and Calaveras County. We thought it
11 was important to include other stakeholders in that
12 management -- reservoir-management groups, such as Cal Fish
13 and Game, State Water Resource Control Board, as well as
14 representatives of local homeowners associations.

15 And, finally, we thought Tri-Dam's proposed
16 shoreline management plan was good. We recommended some
17 expansions of the existing shoreline management plan to
18 include protection of habitat that has not yet been
19 developed -- shoreline habitat that had not yet been
20 developed on private property and elsewhere.

21 Okay. What's next in this process?

22 As Susan's already mentioned, the DEIS comments
23 are due on December 7th. That means due at FERC. And I'd
24 like to encourage everybody to electronically file, if at
25 all possible. If you're filing hard copies, allow for

1 Postal delivery times. It should be there on December 7th.

2 The biological opinion is due from the Fish and
3 Wildlife Service, and that would be for Beardsley/Donnells
4 only, on February 17th, 2005. We are hopeful we can issue
5 the Final EIS in March of 2005. After that at some point
6 the State Water Resource Control Board is expected to issue
7 a water quality certification for the three projects that we
8 feel are under their jurisdiction in terms of water quality
9 certification. And we either need their water quality
10 certificate or a waiver of water quality certification
11 before we can issue our license order.

12 So once we get the water quality certification,
13 shortly thereafter we should be able to issue our license
14 order for the project.

15 All these instructions on how to file comments on
16 the Draft Environmental Impact Statement are in the
17 document itself. So -- and the address as well is in there,
18 so I probably will just emphasize: Make sure if your
19 comments pertain to only one project, you only need to put
20 that one project's docket number, project number on it. If
21 your comments are meant to apply to three or four projects,
22 you should put all three project numbers on it. Or if it's
23 meant to apply to all four projects, put all four numbers on
24 it.

25 And I think that's pretty much it.

1 Now we have a couple of folks who have signed to
2 speak tonight. And this is the good part of the meeting as
3 far as I'm concerned, in that we get input from you folks on
4 the Draft and allow us to refine the Final EIS. Of course
5 we will also be reading through all the written comments
6 that are filed.

7 The process will be -- will allow the two people
8 -- so far there are only two people who have signed up to
9 speak -- and a third person -- okay, great. Okay, the three
10 people who have signed up to speak will be allowed to speak.
11 I will open the floor to anybody who hasn't yet spoken to
12 speak. And if you change your mind about speaking, you're
13 -- that's your time to jump in. And then if there are
14 follow-ups, those who have spoken would like to speak again,
15 we'll give you that opportunity and then we'll adjourn the
16 meeting. So that's the process.

17 We are very interested in getting all of this on
18 the record so that we can make sure that Susan, our court
19 reporter, can get everything you say. You need to make your
20 comments from upfront. And so we'd like you to make your
21 comments from the podium over here. There are two
22 microphones. One is an audio mic, which we probably really
23 don't need in such a small room. The other feeds into her
24 electronic-recording device, so we do need that.

25 So I'd like it when you speak if you can

1 introduce yourself, if you're representing anybody say who
2 you're representing. If you're representing yourself,
3 that's perfectly all right. And then proceed with your
4 comments.

5 And are there any questions about how we're
6 proceeding tonight?

7 Okay. The first speaker will be Tom Sawyer.

8 MR. SAWYER: Is that okay? Good evening. My
9 name is Tom Sawyer. I'm a local resident. And my comments
10 are essentially directed to the Forest Service.

11 Are there any Forest Service personnel who are in
12 the decisionmaking process? Okay.

13 MS. O'BRIEN: We have two Forest Service
14 representatives here.

15 MR. SAWYER: Okay. Thank you.

16 Well, after five years of planning by some
17 well-intentioned folks we have some policies, some good and
18 some needing some help. I hope that the ratepayer or
19 taxpayer who pays the salary and the cost of all people and
20 policies would be held in high esteem.

21 I know little of waterflow issues, storage, power
22 generation. I will leave that to the experts, but I will
23 speak of recreation issues at Beardsley Lake, which I do
24 have firsthand expertise. I have spent many days at and on
25 the lake.

1 I don't know if people in the Forest Service or
2 the general public are aware that we have a very scarce
3 resource on the current campground side of the lake. The
4 ability to camp next to the water and moor one's boat a few
5 -- are few and far between. That's why people go there.
6 It's not for the easy cliff access, lake access, or the nice
7 flat road going in or out. It's basically because it's very
8 precious and few areas where you can actually camp, moor
9 your boat, watch your kids play in the water or fish off the
10 shore, and it's -- it's a tragedy to see these ten campsites
11 removed.

12 I was told these ten campsites were closed for
13 safety concerns and environmental concerns. Several phone
14 calls to the Forest Service, I asked how many accidents have
15 happened and who has a database on this issue. I was told
16 there was a potential for accidents to happen and that was
17 serious enough.

18 But we have a lake -- cliffs at Pinecrest Lake
19 that people routinely jump off and die or are severely
20 injured. And the Forest Service does not even put up a sign
21 warning of the danger, that I'm aware of. If you follow
22 that logic displayed at Beardsley Lake, you should -- excuse
23 me -- at Beardsley Lake, then Pinecrest Lake should surely
24 be closed because of the accidental death record.

25 The cutbacks described on the campground site

1 were described as to me being the environmental concerns. I
2 have been up there for 12 years. I spend anywhere from 12
3 to 20 days a year there. And I see those -- those are the
4 trails that people have been using for some 50 years of lake
5 access. They don't climb over the rocks, they go in between
6 the rocks, and it creates a trail, and that's where the
7 water runs.

8 Are we to believe that if it's now a day-use area
9 that people will not stop making trails down to the lake? I
10 don't think so.

11 The idea of creating a six-boat docking facility,
12 that seemed to be great at first thought, however the logs
13 that float from the dam up the lake are blown by the wind
14 down every morning. And this log pile may be 20 to 30 feet
15 from the shore. And it would soon plug up the launch ramp
16 or it would be inaccessible.

17 The rise and fall of the water would be a
18 constant nightmare for maintenance people to try to keep
19 that facility floating at the right level. I'm afraid it
20 would soon be stuck on the rocks and then would be beat to
21 death by the waves. And the waves, sometimes when the wind
22 blows from the inlet up to the dam, you can have two-foot
23 whitecaps coming up there. And that shore really gets
24 pounded hard. I think it would soon be a good idea that
25 turned into a bad idea.

1 I would like to give you some suggestions to
2 hopefully tune your five years of work, which I think would
3 make a great plan. The area in question, the approximately
4 200 yards that the ten campsites were removed, you could
5 install a few speedbumps on the road. That would slow the
6 traffic down to about 20 miles an hour and greatly eliminate
7 the potential hazard.

8 The first camp on the right as you come in is a
9 little close to the road and the last one on the right is a
10 little close to the road. I think those probably should be
11 a good idea to close those two. That would leave -- it
12 would leave eight.

13 Don't build a boat dock. As I just described, I
14 think it would be unserviceable very shortly. And the boat
15 patrol would be a great waste of resources because most
16 boaters on the lake are fisherman who troll from three to
17 six miles an hour. There are a few sailboats and not many
18 skiers or jet types. The water's too cold for skiers and
19 the jet skis like to jump the wakes of the ski boats. So
20 that greatly diminishes that.

21 I would like to see the money saved on that -- on
22 that end of it put into a water system which would be a
23 great thing on both ends of the lake, both a day use and the
24 existing campsite. It would be nice to have year-round
25 water.

1 I was in construction for 27 years, although I
2 have not made a survey of those two, the outhouse or the
3 toilets at the day-use area, but I have used both. And I
4 question the logic of tearing down those buildings. I think
5 they could be modified at a much less expense and just do a
6 great job.

7 As far as the bat habitat goes, I read in a
8 report where they have trouble with people leaving the doors
9 open. We need to put some automatic closures on those and
10 put the screens on so the bats can't get in.

11 And I don't think you need to make bat habitat.
12 I think that Beardsley Lake is in the middle of bat habitat.
13 And I think if we keep the doors closed on the outhouses
14 they'll find a place to live. They did that long before we
15 had outhouses there.

16 And at the very end of the project I think you
17 can put a pipe in the ground so that the tax and the
18 ratepayers can pay to use the land they own and pay to use
19 the facilities they have boughten. Thank you for your time.

20 MS. O'BRIEN: Thank you.

21 MR. HJORTH: Thank you, Tom.

22 The next person will be Alyce Lowry.

23 MS. LOWRY: Alyce.

24 MR. HJORTH: Alyce.

25 MS. LOWRY: He pretty much covered everything.

1 And it's just -- Tom has pretty much covered everything I
2 was thinking, too. And, I don't know, you know, it just
3 seems like the government always does things that aren't
4 really -- the people can't agree with. And I don't know why
5 they -- you know, everything I've been trying to find out
6 about the Beardsley Project -- because we go up there
7 forever. My grandfather built that dam, by the way.

8 And for 50 years along that road there has been
9 no trouble. I cut hair and I do the loggers that log that
10 road, and everything. And for a while there the Forest
11 Service was going to make it a day-use area. That is not a
12 day-use area on the other side. That is for people that
13 know how, you know, about the traffic. They know -- they're
14 only putting their boats in the water there, anyway. That's
15 why they stay there.

16 And there a few campsites that aren't good. But,
17 you know, right where the turn goes and you go back up the
18 hill, there's no reason why it couldn't be even taken down
19 around that bottom, more along the lake. I don't see the
20 problem.

21 And those trails aren't trash. They've been
22 there for over 50 years. And they just look like anywhere
23 else. I don't see why it has to be made into such a big
24 deal and why people can't be there. Nobody's ever been
25 hurt.

1 Look at Pinecrest. You guys never posted a sign
2 there, "Don't jump off this cliff. You're going to die,"
3 you know. And everybody year after year accidents happen
4 all the time.

5 And I don't even really like fisher guys that
6 much, but I feel like they -- this is ridiculous. The ones
7 that want to come up there and park their boats and just be
8 along the lake there.

9 I was talking to some people that work for the
10 Forest Service and they were telling me that there was
11 always garbage there. Well, the camp spots never had
12 garbage. What happened was the Forest Service couldn't
13 afford to keep up the garbage cans. And those bears have
14 been pooping plastic for like 15 years now. They had little
15 tiny cans they could open them up. It wasn't the people
16 that was doing it. And it's ridiculous. It's just like
17 what don't you get about all this.

18 And I agree with Tom about the boat patrol. I
19 really don't see -- in those little boats I don't see
20 fishermen speeding, going crazy, out of hand. It's really
21 mellow. And you can't -- you can -- it just seems like this
22 money being spent there. The Forest Service couldn't take
23 care of the bathrooms. They couldn't take care of the
24 garbage. They couldn't monitor the lake or even have
25 someone there on the other side maybe like they do at other

1 campgrounds. They couldn't afford any of this.

2 Then we're doing this big project. And it just
3 seems like if you fixed up what you already had. And you're
4 -- I don't know the whole story, but I think there's
5 supposed to be new camp spots put up on the hill. And, if
6 anything, more traffic up and down that road seems a little
7 ridiculous, too. I don't know, I just think you could make
8 it better the way it is.

9 And I do agree that the bats can make do for
10 themselves. I think they can find their own place. I mean
11 what did they do before Beardsley. I think they found their
12 own home.

13 And I don't know all of the facts, but I am a
14 person that's up there. And I just -- I think taking those
15 camp spots along the lake away and doing your whole project
16 and putting -- and paying for a boat out on that lake with a
17 patrol guy, I mean it's so ridiculous, it just seems like
18 you could do something else with your money.

19 And, let me see what else. The garbage, didn't
20 have good cans. And what else. I agree with Tom about the
21 bathrooms. I mean why do -- why fix something to the
22 extreme when you guys can fix it the way -- you know, a
23 little bit and make it work assume.

24 I don't know if there's -- I know that -- I do
25 know something about the Forest Service has something to do

1 of course with PG&E and Tri-Dam, and they have contracts and
2 they're coming up. And if they're going to do it, why can't
3 they make this really cool?

4 You take those camp spots away along the lake,
5 I'm not going back up there because it just -- I don't want
6 to sit halfway up the hill where you can't look at the lake
7 and watch the sunset and the wind blow. I mean that's
8 what's so cool about that place.

9 I don't know how many of you guys have ever been
10 there, but it's really a neat place. And it doesn't seem
11 like you have a really good plan for taking care of
12 everything. And every time I tried to find out anything
13 from the Forest Service, I wasn't given, except for a few
14 people, really good answers.

15 And I mean those little trails going down to the
16 lake from the camp spots, you guys could have like maybe in
17 the last 50 years threw a few rocks there, or something.
18 You didn't have to -- you don't have to wait to do this,
19 into this major project.

20 I don't know why you want more boats on the lake
21 anyway by, you know, increasing people camping up the hill,
22 or something. Because from 11:00 to, what is it, 4:00, if
23 you guys have been on Beardsley that wind just blows up
24 through that canyon. And nobody's speeding around. And
25 there's driftwood that piles up everywhere. There's

1 driftwood in the lake.

2 It just seems like why don't you just make it
3 nice the way it is, you know? You know?

4 I don't know what else. Let's see, I think
5 that's basically it. And I don't know if we really have to
6 concern ourselves so much with building new bats for -- so
7 the bats won't go there. I think they can do it on their
8 own and find a new place or a little help from us, but tear
9 down everything and work on it, I don't know. It seems like
10 we're wasting money.

11 I know you're all looking at like: What is she
12 talking about. But that's how I -- I just want you to save
13 it the way it is.

14 MS. O'BRIEN: Thank you.

15 MR. HJORTH: Okay. Thank you for your comments.
16 And, Steve. Steve Felte.

17 MR. FELTE: Good evening. I'm Steve Felte, the
18 General Manager of the Tri-Dam Project. Just a few comments
19 that I'd like to offer this evening.

20 First of all, I want to compliment FERC staff and
21 their consultant, that I think you -- to use a brief term,
22 you hit the nail on the head in most cases. You found the
23 issues and you properly discussed them and offered measures
24 to deal with them.

25 What I would like to do tonight, though, is offer

1 a few current events just to bring you up to date of some of
2 those activities and then highlight a couple of the items
3 with regards to the license ability to implement some of the
4 proposed measures.

5 First of all, the state health department
6 recently filed a letter with regard to Tulloch. And in that
7 letter I think they had probably three points that will
8 require some response. They suggest, one, is that FERC
9 include in the license condition to require Tri-Dam to
10 implement and exercise measures to prevent additional spills
11 of raw sewage from development of the shores of Tulloch.

12 First of all, Tri-Dam does not manage or operate
13 or have any jurisdiction over the waste water facilities
14 around the lake. I think you properly made a comment on
15 that in the latter page of the document, which was accurate,
16 that we don't have authority outside the project boundaries
17 for that.

18 The second thing that they recommended was that
19 the reservoir-management group prohibit any additional
20 development in close proximity to Tulloch unless development
21 includes more robustly designed sewage collection
22 facilities. Well, this reservoir-management group is not
23 yet formed. The only people on that group that may have
24 authority would be the counties. So it's probably not,
25 again, an appropriate place to put anything with regard to

1 the license.

2 And the third thing that they suggest is that
3 Tri-Dam oversee the improvements of the existing
4 sewage-collection system. And, again, it's not our
5 sewage-collection system, so it's again an inappropriate
6 location.

7 I will also add that CCWD, who is the agency that
8 manages those facilities, will be filing a response with
9 FERC. We've consulted with them, and they have put a
10 sizable effort in to improving the reliability of that
11 system. They have improved their standards for new
12 development. So I think a lot of those problems will go
13 away. You're never going to get 100 percent assurance that
14 a mechanical facility will not fail, but I think they've
15 gone a long ways to improve that particular system to avoid
16 that potential there.

17 The other item I want to give you an update on is
18 with regard to the recreation facility, proposed recreation
19 facility at Tulloch Reservoir. During the Commission visit
20 to the site a number of the staff people visited that site.
21 We looked at it. There's some BLM property which provides
22 an excellent opportunity to provide a day-use activity for
23 public access.

24 We did in fact file an application with BLM to
25 implement that. The application was, in effect, rejected

1 and returned to us because of access issues. They
2 identified that. The access being that that particular lot
3 is landlocked. The adjoining land is owned in large holding
4 right now and is currently being sold off in 20-acre
5 parcels.

6 We have attempted to buy one of those parcels.
7 When we bought it we thought the price was reasonable; now
8 the prices are unreasonable to even consider, well into the
9 six figures for those 20-acre parcels. So we are exploring
10 other alternatives, still exploring the possibility of just
11 an access into the BLM property.

12 We are also exploring doing it in a phased
13 development. One is to have a boat-in only access to the
14 site and then in the future have a vehicle access-in so that
15 there is a larger opportunity for public access. So we are
16 exploring that.

17 We propose to have a five-year timeframe on that.
18 Our intent was to initiate that as soon as possible, but
19 have it completed as soon as possible. It may very well
20 take us five years to get that done.

21 On the other items, just a couple of things that
22 I want to point out on the project. On an overall economic
23 analysis, one thing I want to point out and it's for FERC
24 staff's benefit as well as the public, is when you did your
25 economic analysis one of the things that you did not include

1 in that is some of what's called offsite facilities at the
2 licensees; and this includes PG&E as well as Tri-Dam have
3 committed to particularly with the Forest Service.

4 You don't have those numbers, but you have some
5 description of those facilities. And in the case of PG&E
6 it's reconstruction or revamping of fairly significant
7 campsites. In the case of Tri-Dam it's construction of the
8 Pedro Flat campsite. Those are very significant, expensive
9 undertakings, and you may or may not want to consider that
10 in some of the project economics there.

11 Just a couple of real minor things that I want to
12 talk about, and these are all in the context of some of the
13 proposed measures, particularly that the staff has proposed
14 and in particular with regard to Tulloch that deal with
15 third-party commitments.

16 Some of those include, for instance, expanding
17 the reservoir-management group to include resource agency,
18 state and federal, citizen's groups, et cetera. While we
19 appreciate that and we would welcome them, the reality of
20 that is that most state and federal agencies are up to here
21 (gesturing over head), meaning they are just overburdened
22 with licensing issues and really don't want to get involved
23 in more. So if they will participate, great. If they
24 won't, we'll certainly make the effort.

25 Also going along that same level there was a

1 suggestion that by incorporating those people we can get
2 more things done. In many cases it requires those people's
3 involvement to get certain things done. An example being
4 placement of limited access areas in Beardsley, no
5 motorized- boat access to certain arms. We can certainly
6 say we want that to happen.

7 We can put signs up, but we don't have any
8 enforcement authority to go in and ticket someone if they
9 trespassed beyond there. That would require the cooperation
10 of the sheriff's department to -- which would have that
11 siting authority. And that, in turn, requires the
12 cooperation of the two local counties to do that. So those
13 are things that although we will certainly use our efforts
14 to implement those things, it requires that third-party
15 cooperation, which the Commission has acknowledged they
16 can't enforce. They can only force the applicant to try,
17 which we acknowledge we will certainly do.

18 Just a couple of other real minor comments.

19 We've been debating about filing extensive
20 comments. Part of that is the way we think you hit the nail
21 on the head and the second thing is to make sure you've got
22 an adequate record to deal with. And so we're continuing
23 weighing those and make sure that if there is a need for an
24 adequate record, we'll be sure and comment on that, but a
25 couple of real minor things.

1 In some cases, and this is an example, you
2 described that Donnell's Reach is a navigable water. My
3 definition, I think the common definition of navigable
4 waters is commercially navigable. Those waters are far from
5 being commercially navigable. Those are extreme sport,
6 thrill-seeker type waters. And we wouldn't recommend but
7 that going on those. It will never be a commercial
8 development, so a point like that would be a correction.

9 And two things were raised earlier. One was
10 raised with regard to continued copper monitoring. Because
11 of Copperopolis, obviously named after copper mines there,
12 and there are a sizable amount of tailings up in the
13 Copperopolis area. CCWD, who provides water out of Tulloch
14 and particularly Black Creek Arm, which is a tributary that
15 goes up towards the mines, they annually monitor as part of
16 their requirement the physical characteristics of the water,
17 including copper and other metals. So that is done
18 annually.

19 Plus every five years they do the watershed
20 sanitary survey which does a complete analysis of all
21 watersheds. And those are the types of things that are
22 looked at there to assure that water quality is not
23 endangered from a situation like that.

24 And the final thing, a question was raised about
25 fish stocking at Hell's Half Acre. To my knowledge that has

1 not been done for quite a few years. They do stock
2 Beardsley Reservoir, and those fish can migrate up there,
3 but I'm not aware of them stocking there.

4 That used to be a case where they would stock if
5 either the hatchery had a large excess of fish that they
6 just had to get rid of and they were over stocking other
7 areas, they would do it. But the drivers don't like to go
8 down that road, so that is the primary reason why that is
9 not stocked anymore.

10 That's all the comments I have. And thank you
11 very much.

12 MS. O'BRIEN: Thank you.

13 MR. HJORTH: Okay. Anybody who has not yet
14 spoken who would like an opportunity to speak, raise your
15 hand and this is your chance.

16 MS. LOWRY: (Raises hand.)

17 MS. O'BRIEN: Okay. I guess the next question
18 will be since I wasn't seeing anybody who had not yet
19 spoken, I was going to say if somebody -- okay. Well, John
20 has not yet spoken tonight.

21 MR. BUCKLEY: I need to speak. This is
22 informational, perhaps that will help answer some of the
23 questions that were raised. My name is John Buckley, with
24 the Central Sierra Environmental Resource Center.

25 The first two speakers clearly have ties and they

1 obviously care about the recreation there and they expressed
2 that well and are concerned about losing something that they
3 have familiarity with, are comfortable, and they like it. I
4 mean that's why you like what's there.

5 I'm not sure that they are aware of some of the
6 things that have been done since the initial discussions to
7 reduce the concerns that they have. One is, is that instead
8 of just ten campsite being removed, additional campsites are
9 going to be created, the exact number is not clear. But as
10 the curve where they go back up, off to the side in closer
11 toward the end that actually has bathroom opportunity, there
12 are going to be additional sites built in there specifically
13 so people can still be in that area and camp rather than
14 just be eliminated.

15 A second issue they were concerned about was that
16 they thought that the trails down to the water were the main
17 reasons or one of the main reasons for there not to be the
18 campgrounds left in that. The discussions within the
19 collaborative group and with the Forest Service and many of
20 us, -- for instance I personally go there, anywhere from 10
21 to 25 times a year, I sometimes spend there three or four
22 days in a row fishing there, so I certainly know the area,
23 -- but it's not that people going down, it's the risk that
24 there is no safe way up and down to the water. And
25 obviously people do it. We watch them do it.

1 But there's also the trash. There's also people
2 going to the bathroom over the bank, which you guys are
3 certainly aware of if you've been there. And we're looking
4 for a win-win solution to not eliminate camping there, but
5 to move it into a safer area further back from the logging
6 trucks that you referred to going past, but also to move it
7 closer toward bathrooms and other places so that there won't
8 be the contamination problems.

9 In terms of some of the other issues related to
10 boat patrol and the cost of boat patrol or cost of the
11 bathrooms. The discussions clearly looked at many different
12 options. And I can guarantee you the licensees are not
13 wanting to throw away dollars. They are not, just saying
14 let's do this. But the Forest Service has pointed out that
15 this is a 30- to 50-year plan and we're trying now to put in
16 place reasonable enforcement of not just boating but of all
17 the things that take place around the reservoir. And
18 without boat patrol they can't access where some of the
19 people may go further down the shoreline because the Forest
20 Service doesn't have staff that can just be spending a lot
21 of time walking along the shore.

22 So the boat patrol is one of the reasonable
23 methods that the Forest Service felt could help not be
24 looking for the people that are doing the boating, the
25 fishing mainly, but looking for the full range of access to

1 look at opportunities, to deal with the public around the
2 campground -- or around the reservoir.

3 And then in terms of the day-use area, again it
4 ties back to it may be something that could be revised and
5 reconstructed based on your experience, but we were looking
6 for the 30- to 50-year, so the collaborative group felt that
7 by really redesigning and building something that will last
8 during that period of time and be able to be maintained, it
9 wasn't a waste of dollars. And, again, people can see that
10 from different points of views.

11 But perhaps hearing those comments and also
12 seeing that the campground that's up above that you referred
13 to, the Pedro Flat one, is not intended to replace, for
14 those people who do enjoy being down there at the lake and
15 want to be close to the boats. It's for those people who
16 also use the reservoir for fishing off the shore or other
17 things and are not as tied to being right with their boats.
18 So it's a different focus on priorities.

19 So I think that that might help a little. It may
20 not eliminate your concerns, but those are certainly
21 legitimate concerns that were brought up in discussions.
22 And I think the collaborative group was sensitive to at
23 least some of them.

24 Thank you.

25 MS. O'BRIEN: Thank you.

1 MR. HJORTH: Okay. Any other folks who have
2 already spoken who would like to make any additional
3 comments?

4 Okay. Well, we have one or two.

5 MR. SAWYER: I'd like to make one point I forgot.

6 MR. HJORTH: Okay. If you could -- we want to
7 get you on the record, so that means you need to come up.
8 And restate your name, if you could.

9 MR. SAWYER: My name is Tom Sawyer again. And
10 one of the points I -- I think is a very good point as far
11 as the campground resources and making them better. I read
12 in the report where they were going to have a lot of
13 grading, right-of-way signs, a direction sign, and so forth.

14 We have -- the way that property is there, there
15 is a group potential to have a loop drive through there,
16 where you would have only one-way traffic. It's barricaded
17 off. From what I have seen and hiked around there, it
18 wouldn't take a great deal to make that campground a one
19 way-in and loop around up above where the first turn is,
20 come back out. And I think it would be cost-effective and
21 it would make things much, much better. And I just wanted
22 to bring that up.

23 Thank you.

24 MS. O'BRIEN: Thank you.

25 MR. HJORTH: Okay, Alyce, would you like to make

1 some more comments? Come on up.

2 MS. LOWRY: I was just wondering what the status
3 is on the campgrounds, where they are now. If come spring
4 and we go back up there, are closed, and when do you decide
5 when you're going to start on them? Are they going to stay
6 closed for years until you get this whole project done?

7 You know, there are some along the lake there
8 right now that are in the middle, or there's so much room.
9 And there's no hazard to those. And I was just wondering
10 when we go up there in the springtime are we going to be
11 able to camp there or do we have to wait for decisions on
12 how they're going to do it and wait for this whole program
13 to go through in a few years, or what? And that's all I was
14 wondering.

15 MS. O'BRIEN: Would the Forest Service like to
16 respond to that?

17 MS. CONWAY: None of us have the answers. We'll
18 get back to Alyce.

19 MS. O'BRIEN: Okay.

20 MR. HJORTH: Yeah. The proceeding we're in now
21 is a relicensing proceeding, and so all the recommendations
22 that are being made pertain to a potential new license for,
23 in this case, the Beardsley/Donnells Project. So the
24 existing conditions, whatever they may be, would continue up
25 to the point where a new license might be issued.

1 It's also within a national forest, so the Forest
2 Service does have their own overlapping jurisdiction with
3 that of the Commission's. So that's about all I can say at
4 this point. But if it's open now it -- I would expect it to
5 remain open in the future, unless the Forest Service has
6 some other directives in mind.

7 Okay. Would anybody else like to -- okay. We've
8 got one more taker here.

9 MR. PEIRANO: My name's Steve Peirano. I'm
10 PG&E's relicensing project manager.

11 I just wanted to say that, as Steve Felte
12 mentioned earlier, we really appreciate FERC and FERC's
13 consultant's work on the Draft EIS. They did a great job.
14 We're particularly encouraged by seeing the SPLAT resource
15 measures incorporated into that document. There's some
16 places we see the need for a little bit of clarification.

17 We also I think need to probably be commenting on
18 the relationship between the recreation settlement that is
19 going to be with the Forest Service and how that interfaces
20 with the license. So there's going to be some comments
21 coming on that.

22 And there is also some need for I think
23 clarifications and additions to the costs in the
24 developmental analysis.

25 PG&E will be filing the comments in writing by

1 the deadline of December 7th. So, anyway, we'd like to
2 thank you again for coming out and taking a very good shot
3 at putting a great EIS together. So thanks a lot.

4 MS. O'BRIEN: Thank you.

5 MR. HJORTH: Thank you. Well, after that great
6 sales pitch I'd like to encourage everybody to take as many
7 DEISes as they possibly can home with them tonight.

8 MS. O'BRIEN: We're not bringing them back to
9 Washington.

10 MR. HJORTH: Yeah. And I hate to see trees
11 killed for absolutely nothing, so...

12 MR. [SPEAKER]: The Forest Service can take them.

13 MR. HJORTH: Yeah. Thank you, Steve. Dave, yes.

14 MS. O'BRIEN: I think that's it.

15 MR. HJORTH: Okay. So thank you, all of you, for
16 your comments. We do appreciate them and we'll consider
17 them in our FEIS preparation and we'd like to adjourn the
18 meeting then. Thank you.

19 MS. O'BRIEN: Thanks for coming.

20 (The hearing was adjourned at 7:37 o'clock p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the
FEDERAL ENERGY REGULATORY COMMISSION in the Matter of:

Name of Proceeding: DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC MEETING for the STANISLAUS
RIVER PROJECTS

Docket No.: PROJECT NUMBERS 2130, 2005, 2118, and 2067
Place: SONORA, CALIFORNIA
Date: TUESDAY, NOVEMBER 16, 2004
Time: 6:30 o'clock p.m.

were held as herein appears, and that this is the original
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of the proceedings.

Susan Palmer, CERT 00124
Official Reporter